

ENTERED

January 25, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION****TOMILEE RAMIREZ,****Plaintiff,****VS.****MARISSA GARZA, *et al.*,****Defendants.**§
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§**CIVIL ACTION NO. 5:23-CV-00140****ORDER**

Pending before the Court is Defendant Marissa Garza's Advisory and Proposed Order Denying Plaintiff's Motion to Remand (Dkt. 3). On December 10, 2023, Plaintiff Tomilee Ramirez, proceeding *pro se*, filed a Motion to Remand (Dkt. 3, Attach. 1) in the 229th Judicial District, Jim Hogg County, Texas, seeking to litigate her federal claims under 42 U.S.C. § 1983 in state court. However, on December 8, 2023, two days before Plaintiff filed her Motion to Remand (Dkt. 3, Attach. 1), Defendant removed the case to this Court based on federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 1367, and 1441(a). *See* (Dkt. 1.)

The Court notes that Plaintiff is proceeding *pro se* and may not understand that the state court lost jurisdiction when the case was removed to federal court. As such, the state court will not rule on Plaintiff's Motion to Remand (Dkt. 3, Attach. 1). Furthermore, the Motion to Remand filed in state court is *not* a pending motion on this Court's docket but has been filed as an attachment to an Advisory to the Court filed by Defendant Marissa Garza. (Dkt. 3, Attach. 1.) If Plaintiff desires to remand this case to state court, she must file a motion to remand, with legal authority, in this court. To the extent necessary, and to avoid any confusion, the Court hereby **STRIKES** from the record Plaintiff's Motion to Remand (Dkt. 3, Attach. 1) as improperly filed.

IT IS SO ORDERED.

SIGNED this January 24, 2024.

A handwritten signature in black ink, appearing to read 'D Saldaña', written over a horizontal line.

Diana Saldaña
United States District Judge